

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CHARLES DUBOIS,

Plaintiff,

9:22-cv-929 (BKS/DJS)

v.

C.O. D. BEANE, et al.,

Defendants.

Appearances:

Plaintiff pro se:

Charles DuBois
19-B-1870
Mid-State Correctional Facility
P.O. Box 2500
Marcy, NY 13403

For Defendants:

Letitia A. James
Attorney General of the State of New York
Anthony Huntley
Assistant Attorney General, of Counsel
The Capitol
Albany, NY 12224

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Charles DuBois commenced this action pro se asserting claims under 42 U.S.C. § 1983 arising out of his incarceration at the Clinton Correctional Facility. (Dkt. No. 1). On March 6, 2024, Defendants filed a motion to dismiss under Fed. R. Civ. P. 41(b) and 37(b)(2)(A)(v) for failure to prosecute and failure to obey a discovery order. (Dkt. No. 39). Although the court sua sponte extended the deadline for filing responsive papers, (Dkt. No. 40), Plaintiff did not file a response. This matter was assigned to United States Magistrate Judge

Daniel J. Stewart who, on September 9, 2024, issued a Report-Recommendation recommending that Defendants' motion to dismiss be granted. (Dkt. No. 42). Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (*Id.* at 11-12). No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation has been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 42) is **ADOPTED** in its entirety; and it is further


ORDERED that Defendants' motion to dismiss under Fed. R. Civ. P. 41(b) and 37(b)(2)(A)(v) for failure to prosecute and failure to obey a discovery order (Dkt. No. 39) is **GRANTED**; and it is further

ORDERED that the Clerk is directed to enter judgment and close this case; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 24, 2024
Syracuse, New York


Brenda K. Sannes
Chief U.S. District Judge